UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>30 January 2007</u>.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-9</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>1-9</u> is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All b) ☐ Some * c) ☐ None of:
        1. ☐ Certified copies of the priority documents have been received.
        2. ☐ Certified copies of the priority documents have been received in Application No. _____.
        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>04/11/07</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

Detailed Action

1.   This is in response to application filed 01/30/07.

2.   Claims 1 – 9 have been Examined.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in

this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   Claim 1 are rejected under 35 U.S.C. 102(e) as being anticipated by

Luu USPN 6,324,690 B1.

Regarding claim 1, Luu anticipates a method in a network whereby client computers automatically communicate with a server computer or computers such that the client computers automatically perform actions to install, update, deactivate or uninstall software bundles at specific times without any human interaction based on a model created, maintained and modified by a system administrator (5:7 – 25, see installation and deinstallation program).

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 6 – 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luu USPN 6,324,690 B1. in view of Wilde et al. USPN 6,066,182.

Regarding claim 6, Luu discloses all the claimed limitations as applied in claim 1 above including the limitations of means of remotely monitoring said server software (4:10 – 45); means of remotely monitoring said client software (4:10 – 45); means of remotely modifying said client software settings (4:10 – 45); means of remotely installing or updating said client software (4:10 – 45); means of modifying said client software settings on multiple said client computers in a single operation from said system administrator (4:10 – 45) and also discloses adding and deleting configurations see (8:25 – 40).

Luu doesn't expressly disclose creating and modifying user accounts, and user groups, as well as multiple user groups including, operating system flags and said self healing behavior of said files and means for associating said software bundles to said user accounts or said user groups.

However, Wilde in an analogous art of personalizing and monitoring remote installation discloses creating, displaying and managing of "CM-user" configuration, including a graphical menu and interface a plurality of user accounts, automatic installations of software and associating personalization files to users (8:53 - 9:50).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Luu with Wilde because it would enable more efficiently managing the user configurations.

Regarding claim 7, a method as claimed in claim 6 wherein a said graphical user interface administrator software creates new said software bundles wherein said administrator software creates a pre installation snapshot of said administrator's hard disk and compares the said pre installation snapshot whereby the said system administrator decides on a file by file basis whether said file should be added to the said software bundle (Luu, 6:10 – 45).

Regarding claim 8, a method as claimed in claim 1 whereby said software downloads are distributed across a network with a booster server computer such that said files are autonomously downloaded from said server computer to said booster computer upon request by said client computer software whereby said client computer software requests said file from multiple said booster computers thereby providing fail safe load sharing the said file download operations (Luu, FIG. 3, see FILE SERVER 206 and all associated text).

7.   Claims 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Luu USPN 6,324,690 B1 in view of Chiles USPN 6,167,567.

Regarding claim 9 Luu discloses all the claimed limitations as applied in claim 1 above. Luu doesn't expressly disclose whereby said software components are designed to run on any operating system that supports TCP/IP network protocols whereby each said client, said server, said booster and said administrator software communicates with said components running on any said operating system. However, Chiles in an similar configuration of installing remotely discloses the use of a LAN specifically a TCP/IP (31:1 – 10). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Luu with Chiles because it would make it more flexible and compatible since TCP/IP is a standard widely used protocol.

Allowable Subject Matter

8.   Claims 2 – 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims doesn't teach or render obvious the following limitations:

"...means of autonomously detecting changes in said user manifest

after said model changes are committed whereby said client computer

software calculates differences of said user manifest compared to said model

state of software bundles maintained by said client computer software

wherein a said software bundle added difference creates a said download

and a said activation wherein a said software bundle remove difference

creates a said deletion of the software bundle wherein a said software

bundle modified difference creates an updated time schedule for download

action, deactivation action or deletion action whereby client computer

software distributes processing power from said server computer whereby

said server computer is only responsible for replying to download software

requests;

means of detecting changes in fileset containers after detection of said

model changes whereby said client computer autonomously calculates

differences in said fileset containers whereby said client computer software

creates said download, said activation or said deletion actions to perform

based on said differences in said fileset container wherein said download and

said activation actions are performed when said difference reveals a new file

difference and wherein a said delete action is performed when said

difference reveals a deleted file difference from said fileset container wherein

a modification action is performed when said difference reveals a change

difference whereby client computer software performs said processing power

distribution;

 means of reporting all said actions of downloading, activating,

deactivating, deleting or updating said software bundle to said server

whereby a system administrator creates a status report revealing the

success of said state of software bundle action;

 means of remotely monitoring the progress of said state of said client

software by said system administrator...."

Correspondence Information

9. Any inquiry concerning this communication or earlier communications

from the examiner should be directed to Chuck Kendall whose telephone

number is 571-272-3698. The examiner can normally be reached between

Monday and Thursday, at 11:00 am - 4:300pm.

 If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Tuan Dam can be reached on 571-272-3695. The fax

phone number for the organization where this application or proceeding is

assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).